

Fiscal Estimate - 2009 Session

☒ Original ☐ Updated ☐ Corrected ☐ Supplemental

LRB Number 09-2089/1		Introduction Number AB-0223	
Description The right to a trial by jury for a juvenile for whom the petitioner has reserved the right to recommend placement in the Serious Juvenile Offender Program or in a juvenile correctional facility beyond the age of majority			
Fiscal Effect			
State:			
<input type="checkbox"/> No State Fiscal Effect			
<input checked="" type="checkbox"/> Indeterminate			
<input type="checkbox"/> Increase Existing Appropriations		<input type="checkbox"/> Increase Existing Revenues	
<input type="checkbox"/> Decrease Existing Appropriations		<input type="checkbox"/> Decrease Existing Revenues	
<input type="checkbox"/> Create New Appropriations		<input type="checkbox"/> Increase Costs - May be possible to absorb within agency's budget <div style="text-align: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</div>	
		<input type="checkbox"/> Decrease Costs	
Local:			
<input type="checkbox"/> No Local Government Costs			
<input checked="" type="checkbox"/> Indeterminate			
1. <input type="checkbox"/> Increase Costs		3. <input type="checkbox"/> Increase Revenue	
<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory		<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	
2. <input type="checkbox"/> Decrease Costs		4. <input type="checkbox"/> Decrease Revenue	
<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory		<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	
5. Types of Local Government Units Affected			
<input type="checkbox"/> Towns		<input type="checkbox"/> Village <input type="checkbox"/> Cities	
<input type="checkbox"/> Counties		<input type="checkbox"/> Others	
<input type="checkbox"/> School Districts		<input type="checkbox"/> WTCS Districts	
Fund Sources Affected		Affected Ch. 20 Appropriations	
<input type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEGS			
Agency/Prepared By		Authorized Signature	Date
DA/ Phil Werner (608) 267-2700		Tom Herman (608) 266-0239	4/30/2009

Fiscal Estimate Narratives

DA 4/30/2009

LRB Number	09-2089/1	Introduction Number	AB-0223	Estimate Type	Original
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Assumptions Used in Arriving at Fiscal Estimate

Prosecutors are concerned about the additional time jury trials would add to their workload; however, in many counties this may affect a potentially small number of cases. In some situations, the DA's office could consider a waiver of the case to adult court.

Due to the uncertainty of this bill's effect on DA offices, it is not possible to estimate a fiscal impact.

Long-Range Fiscal Implications

Due to the reasons cited above, it is not possible to project a long-term fiscal impact.

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<div style="display: flex; justify-content: space-between;"> <div> Fund Sources Affected <input type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEGS </div> <div> Affected Ch. 20 Appropriations </div> </div>	
Agency/Prepared By DCF/ Robert Nikolay (608) 261-4349	Authorized Signature Robert Nikolay (608) 261-4349
Date 8/3/2009	

Fiscal Estimate Narratives

DCF 8/3/2009

LRB Number	09-2089/1	Introduction Number	AB-0223	Estimate Type	Original
Description The right to a trial by jury for a juvenile for whom the petitioner has reserved the right to recommend placement in the Serious Juvenile Offender Program or in a juvenile correctional facility beyond the age of majority					

Assumptions Used in Arriving at Fiscal Estimate

This bill grants the right to a jury trial in a proceeding under the Juvenile Justice Code if the person filing the delinquency petition reserves the right to recommend placement of the juvenile in the Serious Juvenile Offender program or in a juvenile correctional facility beyond the age of 17 years.

There should be no fiscal impact to the Department under this bill. A local impact may occur if county juvenile justice workers require additional time for court preparation and court attendance in those cases where a jury trial is requested. It is unknown how many jury trials would be requested and any additional county worker time, if any, would be needed for a jury trial. Thus, the fiscal impact of this cannot be determined.

Long-Range Fiscal Implications

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Agency/Prepared By DOC/ Dawn Woeshnick (608) 240-5417	Authorized Signature Robert Margolies (608) 240-5056	Date 5/4/2009

Fiscal Estimate Narratives

DOC 5/4/2009

LRB Number	09-2089/1	Introduction Number	AB-0223	Estimate Type	Original
Description The right to a trial by jury for a juvenile for whom the petitioner has reserved the right to recommend placement in the Serious Juvenile Offender Program or in a juvenile correctional facility beyond the age of majority					

Assumptions Used in Arriving at Fiscal Estimate

This bill would allow a juvenile, his or her parents, or legal custodian the right to a trial by jury if the person filing the delinquency petition reserves the right to recommend placement of the juvenile in the Serious Juvenile Offender Program or in a secured correctional facility beyond the age of 17.

This bill may have a fiscal impact on county detention facilities or the Department of Corrections (if the youth was under Department supervision as a Serious Juvenile Offender), because a jury trial may extend the length of time that a youth spends in the adjudication process and Serious Juvenile Offenders may be held pending disposition of a case.

Since it is not possible to determine how many cases would be granted a jury trial, or how the involvement of/decisions by juries may change the number of juveniles committed to DOC, it is not possible to accurately estimate the actual costs.

Long-Range Fiscal Implications

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Agency/Prepared By DOJ/ Mark Rinehart (608) 264-9463	Authorized Signature Mark Rinehart (608) 264-9463	Date 2/22/2010

Fiscal Estimate Narratives

DOJ 2/22/2010

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Assumptions Used in Arriving at Fiscal Estimate

The Department of Justice does not anticipate a fiscal impact due to the enactment of 2009 Assembly Bill 223.

Long-Range Fiscal Implications

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<div style="display: flex; justify-content: space-between;"> <div> Fund Sources Affected <input type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEGS </div> <div> Affected Ch. 20 Appropriations </div> </div>	
Agency/Prepared By SPD/ Mike Tobin (608) 266-8259	Authorized Signature Krista Ginger (608) 264-8572
Date 4/24/2009	

Fiscal Estimate Narratives

SPD 4/24/2009

LRB Number	09-2089/1	Introduction Number	AB-0223	Estimate Type	Original
Description The right to a trial by jury for a juvenile for whom the petitioner has reserved the right to recommend placement in the Serious Juvenile Offender Program or in a juvenile correctional facility beyond the age of majority					

Assumptions Used in Arriving at Fiscal Estimate

The State Public Defender (SPD) is statutorily authorized and required to appoint attorneys to represent indigent defendants in criminal proceedings. The SPD plays a major role in ensuring that the Wisconsin justice system complies with the right to counsel provided by both the state and federal constitutions. Any legislation has the potential to increase SPD costs if it creates a new criminal offense, expands the definition of an existing criminal offense, or increases the penalties for an existing offense.

This bill does not provide for a new criminal offense, expand the definition of a criminal offense, or increase criminal penalties. The bill would amend procedures in certain juvenile delinquency cases to provide the right to a jury trial. Therefore, the SPD does not anticipate any increase in its caseload as a result of this proposal.

A jury trial generally takes a longer period of time than a court trial because of such factors as the time necessary to select the jury and to determine certain legal issues outside the presence of the jury. However, the percentage of cases in which jury trials occur in SPD cases is very small, except for specialized case types in which indefinite commitment or loss of parental rights is at issue. Furthermore, the availability of a jury trial or the scheduling of a case for a trial may in some cases encourage the parties to consider a negotiated settlement earlier in the process than they otherwise might. Therefore, the SPD does not anticipate any increase in costs attributable to this proposal.

Counties are also subject to increased costs when a new crime is created. There are some defendants who, despite exceeding the SPD's statutory financial guidelines, are constitutionally eligible for appointment of counsel because it would be a substantial hardship for them to retain an attorney. The court is required to appoint counsel at county expense for these defendants. However, for the same reason that the SPD does not anticipate any impact on its caseload or expenditures, the counties are unlikely to see any increase in case appointments or costs.

Counties would incur some costs to empanel juries in cases in which a jury trial occurs, but these costs may be offset by savings if the scheduling of jury cases leads to prompter resolution of cases and, therefore, shorter time periods that juveniles are held in detention awaiting trial.

Long-Range Fiscal Implications